

REMARKS

Claims 3, 7-11, 18, 19, 21, 24-27, 32, 33, and 35-41 and 43-46 and 49-51 are pending in this application. By this Amendment, claims 8, 11, 32, 35, 36, 41, 44, 46 and 49 are amended, claim 51 is added and claims 47 and 48 are canceled.

The Office Action objects to some formalities in claims 35 and 46 and amendments are made herein to correct those informalities.

The Office Action rejects the claims under 35 U.S.C. 103(a) as being unpatentable over Stone, Levy and Kari (all of which are previously cited), and in the case of claims 41 and 43, further in view of U.S. Patent No. 6,731,776 to Fujiwara ("Fujiwara").

Counsel thanks the Examiner for the suggestions made in the Office Action.

To this end, independent claims 35, 36 and 49 are amended herein to emphasize that the signature information is inserted as a digital watermark in the data stream. In addition, these claims are amended herein to recite that the signature information may be changed from time to time according to changes in the capabilities and/or attributes of the source device, such that the digital watermark may be dynamic during the continuous communication of the multimedia data stream from the source device (first device) to the sink device (second device).

As indicated in previous responses, the Stone reference is cited merely for its textbook teaching of a watermark. Stone teaches that a watermark may be used to identify ownership when distributing media content. Thus, Stone is directed to using a watermark to identify the media content itself. Levy teaches the use of an identification-based watermark, where the watermark may be re-encoded when changing formats of the media content in such a way as to preserve the original watermark. According to Levy, information is included in the new watermark that indicates the transformation or re-encoding used. Kari describes compressing and transmitting data on a connection between two parties in a telecommunication system. Kari requires a negotiation protocol between the two parties.

By contrast, the present invention, as now illuminated in the claims is directed to the use of a digital watermark to indicate the attributes and/or capabilities of a source device that transmits a data stream to a sink device, where the digital watermark is embedded in the data

stream. Furthermore, digital watermark is dynamic during continuous communication of the data stream whereby it may be changed from time to time by the source device according to changes in the attributes or capabilities of the source device.

The cited references of record make no teaching or suggestion of embedding a digital watermark in a data stream, changing the digital watermark from time to time according to changes in attributes of the source device, so that the watermark by be changed during continuous communication of the data stream, thereby providing for a dynamic capabilities watermarking methodology. Using the techniques according to the present invention, it is not necessary to stop the transmission of the data stream, negotiate the new capabilities through a handshaking protocol (as would be required by the prior art), and resume the transmission of the data stream. Thus, the present invention is truly dynamic and can accommodate changes to the capabilities at the two devices in real-time with the transmitted data stream.

In view of the foregoing, Applicant respectfully requests the Examiner to find the application to be in condition for allowance with claims 3, 7-11, 18, 19, 21, 24-27, 32, 33, and 35-41 and 43-46 and 49-51. However, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to call the undersigned attorney to discuss any unresolved issues and to expedite the disposition of the application.

No fees are believed to be due. Applicant hereby petitions for any extension of time that may be necessary to maintain the pendency of this application. The Commissioner is hereby authorized to charge payment of any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

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